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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,260	02/21/2002	Bernard Vining		9087

7590 01/25/2005
BERNARD VINING
6419 South Troy Street
Chicago, IL 60629

EXAMINER

PHAM, TOAN NGOC

ART UNIT PAPER NUMBER

2632

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,260

Applicant(s)

VINING, BERNARD

Examiner

Toan N Pham

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said have RF radio frequency communicate ability" in lines 1 and 2. And "said further inhibiting smoke detector unit during smoke hazard conditions" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "said inbodied with ionization chamber" in line 3. There is insufficient antecedent basis for this limitation in the claim. In line 2, the words "are incorporating parts" should be replaced to --comprising or comprises--.

Claim 3 recites the limitation "said for receiving transmitted RF radio frequency tuned codelock" in line 2. And "said from RF radio frequency tuned codelock transmitter circuit" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "said for transmitting RF radio frequency codelock signal to smoke detector unit receiver circuit" in lines 2 and 3. And "said further inhibiting smoke detector unit during smoke hazard conditions" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said to further identify smoke hazard conditions" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said for to further inhibiting smoke detector unit during smoke hazard conditions" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said for preventing smoke detector unit from instantly re-activating". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Wickstead et al. (US 2001/0038337 A1).

Regarding claim 1: Wickstead et al. discloses the claimed RF handheld transmitter unit (40) with reset switch (44) for resetting the smoke detector (page 2, paragraph 0020; Fig. 1).

Regarding claim 2: Wickstead et al. discloses the claimed smoke detector with ionization chamber and audible alarm (Fig. 1; page 3, paragraph 0029).

Regarding claim 3: Wickstead et al. discloses the claimed the receiver circuit for receiving the RF signal (page 2, paragraphs 0025, 0026; page 3, paragraph 0032).

Regarding claim 4: Wickstead et al. discloses the claimed hand held transmitter circuit (page 3, paragraph 0031, 0032).

Regarding claim 5: Wickstead et al. discloses the claimed visual signal indicator (page 3, paragraph 0029).

Regarding claim 6: Wickstead et al. discloses the claimed manual switch (44) (page 2, paragraph 0020).

Regarding claim 7: Wickstead et al. discloses the claimed timer delay circuit (page 2, paragraph 0021, 0022).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Morris (US 5,587,705), Ford (US 6,756,896), and Landais (US 6,384,724) are cited to show a variety of smoke detectors with different resetting means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 19, 2005

TOAN N. PHAM
PRIMARY EXAMINER

